

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 24-CV-380

C.M., *a minor, through his parents,*  
LEAH McGHEE *and* CHAD McGHEE,

Plaintiff,

v.

DAVIDSON COUNTY SCHOOL  
DISTRICT BOARD OF EDUCATION;  
*and* ERIC R. ANDERSON, in his  
individual capacity,

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO COMPLY  
WITH COURT ORDER [DE 35]**

NOW COMES Defendants Davidson County School District Board of Education and Eric R. Anderson (hereinafter "Moving Defendants"), by and through undersigned counsel, and hereby requests an extension of both deadlines (for a period of 14 days each or otherwise in the discretion of the Court) set forth in the Court's Order on Defendants' Motion to Seal and Motion for Protective Order [DE 35].

In support of this motion, Defendants provide the following:

1. The Court's Order was received at 4:25 p.m. on December 20<sup>th</sup>, the last day that the Davidson County Schools were open prior to its winter break.
2. Davidson County Schools did not reopen until January 2, 2025.
3. This Court ordered that Defendants counsel notify the parents of the minor child mentioned in the pleadings to determine if they object to Defendants disclosing FERPA protected information identifying the minor to third parties.

4. The Court allowed 14 days for the notification to and objection period of the minor's parents. Under the Order [DE 35] that period ends January 6, 2025.
5. The Court also ordered that Defendants confer with Plaintiff's counsel to determine whether or to what extent Plaintiff will consent to the public filing of information related to Plaintiff but currently redacted in the public filings. This was to be accomplished within 30 of this Court's Order or by January 19<sup>th</sup> 2025.
6. Because the Davidson County Schools have been closed for the holidays, the undersigned was unable to obtain the contact information for the minor's parents.
7. However, yesterday, on January 2, 2025, Davidson County Schools reopened and the undersigned learned that the former minor has reached age of majority and therefore he, instead of his parent or guardian, must be notified of the disclosure of educational records and be given the opportunity to object.
8. Therefore, pursuant to the Court's order [DE 35], the undersigned sent a letter via Fed Ex to the address of the former minor student and to the former minor himself at his school. A redacted copy of that letter is attached hereto as **Exhibit A**.
9. The undersigned confirmed with the principal of the former minor's school that the letter was delivered to the former minor earlier today (January 3, 2025).
10. The current deadline for objection would be Monday, January 6 but given the delay described above, Defendants seek an Order restarting the time periods for

completion of the actions required by the order to January 6, 2025 which would necessarily extend the deadlines for completion to January 20, 2025 and February 5, 2025 respectively.

11. Plaintiffs' counsel consent to this motion.

12. This motion is filed in good faith for the reasons stated, in order to give the former minor reasonable time to object pursuant to FERPA given the circumstances, and not for purposes of delay.

WHEREFORE, Moving Defendants hereby request that the Court enter an order restarting the time periods on January 6, 2025 for completion of the actions required by the Court's order [DE 35] which would necessarily extend the deadlines for completion to January 20, 2025 and February 5, 2025 respectively or, alternatively, for a shorter extension of the deadlines in the discretion of the Court to give the former minor reasonable time to object to the educational record disclosure contemplated by the Court's order [DE 35].

This the 3<sup>rd</sup> day of January, 2025.

CRANFILL SUMNER LLP

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 3, 2025 the foregoing **Defendants' Motion for Extension of Time to Comply with Court Order [DE 35]** was filed electronically with the Clerk of the United States District Court for the Middle District of North Carolina using the CM/ECF system which will send notification of this filing and an electronic copy of the same to all counsel of record registered with the CM/ECF system.

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January 2, 2025

**VIA FEDERAL EXPRESS**



**VIA FEDERAL EXPRESS**



**Re:** *Leah McGhee, et al. v. Davidson County Board of Education, et al.*  
**Case No.:** 24-cv-380 (USDC, MDNC)  
**Claim No.:** 1841808  
**Our File No.:** 02946.0000291

Dear Mr. [REDACTED]:

I am an attorney representing Davidson County Board of Education in the above-referenced lawsuit. The Family Educational and Privacy Rights Act (FERPA) is a federal law which protects privacy interests of parents and children in their children's education records and generally prohibits disclosure of information from education records without the consent of the parent or the student once they reach age 18. However, FERPA regulations explicitly permit disclosure in legal proceedings if a reasonable attempt to notify the student of the intent to disclose certain identifying information is made before the information is disclosed. The court has ordered the disclosure of your identity and your involvement in the altercation with the minor plaintiff in defense of this lawsuit and has initially set a deadline for January 6, 2025 for you to object to such disclosure. Due to the closure of the school during the winter break I was just able to obtain your address and sent this letter via fed ex to your home address and to your school. I have sought an extension of 14 days from the court for you to notify the court of any objection but that may not be granted so please reach out to the clerk of court and to me before the end of business on January 6 if you have an objection so that the court may consider it. You may reach me at the phone or email above and you may reach the court as follows: Jude Biggs' Courtroom Deputy, Mrs. Tina K. Samuel-Priestley at 336-332-6044.

If you do not notify me or the court of any objection by Monday January 6, we intend to comply with the court's order to disclose your identity and involvement in the altercation in defense of the above referenced matter.

With kind regards, I am

Sincerely yours,

A handwritten signature in blue ink, appearing to read "R. Bolick", written over a horizontal line.

Ryan D. Bolick  
FOR THE FIRM

**EXHIBIT**  
**A**